

**ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
AUGUST 8, 2013**

Town of Bedford  
Bedford Town Hall  
Selectmen's Meeting Room

**PRESENT:** Jeffrey Cohen, Acting Chair; Carol Amick, Acting Clerk; Jeffrey Dearing; Todd Crowley

**ABSENT:** Angelo Colasante, Chair; Kenneth Gordon, Vice Chair; Don Drouin

Mr. Cohen introduced himself as Acting Chair and read the emergency evacuation notice. The Zoning Board of Appeals (ZBA) members and ZBA assistant introduced themselves.

**PRESENTATION:** Ms. Amick, Acting Clerk, read the notice of the hearing.

**PETITION #013-13** – New Cingular Wireless LLC, for 274 North Road, seeks a Special Permit per Sections 4.4.5 and 14.6 of the Zoning By-Law to construct a 125' monopole tower with associated equipment and access road, and a Variance per Section 4.4.5.2 of the Zoning By-Law to allow tower within allowable setback for nearest residential property line.

At the start of the meeting, the present members were Mr. Cohen, Ms. Amick, and Mr. Crowley. Mr. Cohen explained to the residents in attendance that Mr. Colasante was arriving to Boston this evening on a delayed plane, and no vote could be taken until he arrived, as the Board needed four members to vote. Mr. Cohen said that, while they waited for Mr. Colasante to arrive, he would serve as Acting Chair and would take comments or questions about this application from those in attendance.

Ms. Amick explained that, at the Selectmen's Meeting three nights ago, the Selectmen took an opposing position to this tower installation, and they encouraged AT&T to find alternate locations. At that meeting, it was decided that the Town would work with AT&T to help find one or more Town-owned sites on which a tower array could be placed, and the applicants would withdraw their ZBA petition without prejudice.

Mark Abrams, of 7 Arbella Drive, asked how many times a petition could be withdrawn and re-filed. Mr. Cohen replied that he didn't think there was any limit.

Mr. Abrams said that he had a petition that he would like to enter into the record; the petition was signed by 107 residents, all opposing this tower installation.

John Sullivan, of 7 Pickman Drive, said that one of the application requirements of a cell tower application such as this was the submission of a check for \$2,500 in case the Board wanted an independent engineering study performed to validate the claims of the

applicant. He said he was quite surprised that the Town or the Board had not used that money to hire an independent engineer to perform such a study. He noted that AT&T's submission was greatly lacking, and even if the applicants chose to move forward tonight, the Board would not have accurately been able to rule on it.

Norman Sutherland, of 280 North Road, said that the Town of Bedford had proven in the past that it cared about the entire town looks. He said he recalled the Selectmen at one time saying they didn't like too much "clutter" in Bedford, and he said that this tower certainly constituted clutter.

Ramanan Ganeshanathan, of 14 Dudley Road, said he did not get a notice of the original meeting, and only received a notice of this meeting. He said he and his wife had only lived at Huckins Farm for six months, but they were attracted to the neighborhood because of its scenic natural beauty, and he felt that would be ruined by the proposed tower installation. Mr. Cohen noted that the abutters' lists were always generated by the Assessors Office, and there was a specific formula used to generate the list. Ms. Amick apologized to anyone who did not receive the original notice, adding that the mailing was only done according to the By-Law, and there was never an intention to keep anyone at Huckins Farm in the dark.

Katie O'Connor, of 269 North Road, said that she did not receive a notice either, and she would like to ensure that she is notified in the future of any upcoming applications like this one.

Mr. Cohen read 20 opposition letters into the record (see file).

Mr. Sullivan said that he would recommend that the Board require any future cell tower applicant to provide a full rendering of what a site would actually look like with a tower installed. He said that the Photoshopped pictures provided with this application, for example, do not truly show the reality of what would appear; they only show trees with a tower poking out over them, but many of those trees would have to be cut down in order to make room for the facility, so the final result would be even more injurious than what is shown.

At 8:30 PM, Ms. Amick asked the ZBA assistant to call other Board members to find out whether they were available. The assistant called Mr. Dearing, who said he was able to come. Mr. Dearing arrived at 8:40 PM.

With a four-member Board now present, Mr. Cohen called for a motion to withdraw the application without prejudice.

#### **MOTION:**

Ms. Amick moved to withdraw without prejudice the application for New Cingular Wireless LLC, for 274 North Road, seeking a Special Permit per Sections 4.4.5 and 14.6 of the Zoning By-Law to construct a 125' monopole tower with associated equipment

and access road, and a Variance per Section 4.4.5.2 of the Zoning By-Law to allow tower within allowable setback for nearest residential property line.

Mr. Dearing seconded the motion.

Voting in favor: Cohen, Amick, Dearing, and Crowley

Voting against: None

Abstained: None

The motion carried unanimously, 4-0-0.

**MOTION:**

Ms. Amick moved to adjourn the meeting.

Mr. Crowley seconded the motion.

Voting in favor: Cohen, Amick, Dearing, and Crowley

Voting against: None

Abstained: None

The motion carried unanimously, 4-0-0.

The meeting adjourned at 8:45 PM.

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Angelo Colasante, Chair

Date

Respectfully Submitted,

Scott Gould  
ZBA Assistant